

House File 2494

S-5258

1 Amend House File 2494, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 6, after line 25 by inserting:

4 <DIVISION ____

5 SPECIAL MINOR'S LICENSES

6 Sec. _____. Section 321.194, subsection 1, Code 2018, is
7 amended to read as follows:

8 1. *Persons eligible.* ~~Upon certification of a special need~~
9 ~~by the school board, superintendent of the applicant's school,~~
10 ~~or principal, if authorized by the superintendent, the~~ The
11 department may issue a class C or M driver's license to a
12 person between the ages of fourteen and eighteen years if all
13 of the following apply:

14 a. The person's driving privileges have not been suspended,
15 revoked, or barred under [this chapter](#) or [chapter 321J](#) during,
16 and the person has not been convicted of a moving traffic
17 violation or involved in a motor vehicle accident for, the
18 six-month period immediately preceding the application for the
19 special minor's license.

20 b. The person has successfully completed an approved driver
21 education course. However, the completion of a course is not
22 required if the applicant demonstrates to the satisfaction
23 of the department that completion of the course would impose
24 a hardship upon the applicant. The department shall adopt
25 rules defining the term "*hardship*" and establish procedures for
26 the demonstration and determination of when completion of the
27 course would impose a hardship upon an applicant.

28 c. The person's school has certified to the department
29 that the person has a special need for the license pursuant to
30 subsection 3.

31 Sec. _____. Section 321.194, subsection 2, paragraph a, Code
32 2018, is amended to read as follows:

33 a. *Permitted operations.* The driver's license entitles
34 the ~~holder~~ licensee, while having the license in immediate
35 possession, to operate a motor vehicle, other than a commercial

1 motor vehicle or as a chauffeur+, during the times and for the
2 purposes set forth in this paragraph.

3 (1) If the licensee attends a public school, the licensee
4 may operate a motor vehicle during the hours of 5:00 a.m. to
5 10:00 p.m. as follows:

6 (a) ~~During the hours of 5:00 a.m. to 10:00 p.m. over~~ Over
7 the most direct and accessible route between the licensee's
8 residence and schools of enrollment or the closest school bus
9 stop or public transportation service, and between schools of
10 enrollment, for the purpose of attending duly scheduled courses
11 of instruction and extracurricular activities within the school
12 district of enrollment.

13 (2) (b) ~~During the hours of 5:00 a.m. to 10:00 p.m.~~
14 ~~over~~ Over the most direct and accessible route between the
15 licensee's residence or school of enrollment and a site,
16 facility, or school that is not the licensee's school of
17 enrollment, for the purpose of participating in extracurricular
18 activities conducted under a sharing agreement with the
19 licensee's school of enrollment or conducted at a site,
20 ~~or~~ facility, or school designated by the licensee's school
21 district for the accommodation of the school's extracurricular
22 activities, provided the site, facility, or school is within
23 the licensee's school district of enrollment or is within a
24 school district contiguous to the licensee's school district
25 of enrollment.

26 (2) If the licensee attends an accredited nonpublic school,
27 the licensee may operate a motor vehicle during the hours of
28 5:00 a.m. to 10:00 p.m. as follows:

29 (a) Over the most direct and accessible route between
30 the licensee's residence and schools of enrollment or the
31 closest school bus stop or public transportation service, and
32 between schools of enrollment, for the purpose of attending
33 duly scheduled courses of instruction and extracurricular
34 activities, provided the driving distance between the point of
35 origin and the destination is no more than twenty-five miles.

1 **(b) Over the most direct and accessible route between**
2 **the licensee's residence or school of enrollment and a site,**
3 **facility, or school that is not the licensee's school of**
4 **enrollment, for the purpose of participating in extracurricular**
5 **activities conducted at a site, facility, or school designated**
6 **by the licensee's school of enrollment for the accommodation of**
7 **the school's extracurricular activities, provided the driving**
8 **distance between the point of origin and the destination is no**
9 **more than twenty-five miles.**

10 (3) To a service station for the purpose of refueling, so
11 long as the service station is the station closest to the route
12 on which the licensee is traveling ~~on~~ under subparagraph (1)
13 or (2).

14 (4) At any time when the licensee is accompanied in
15 accordance with [section 321.180B, subsection 1.](#)

16 Sec. _____. Section 321.194, subsection 3, Code 2018, is
17 amended to read as follows:

18 3. *Certification of need and issuance of license.*

19 a. Each application shall be accompanied by a statement from
20 ~~the school board, superintendent, or principal, if authorized~~
21 ~~by the superintendent, of the applicant's school of enrollment.~~
22 The statement shall be upon a form provided by the department.
23 ~~The school board, superintendent, or principal, if authorized~~
24 ~~by the superintendent, and~~ shall certify that a need exists for
25 the license and that the ~~board, superintendent, or principal~~
26 ~~authorized by the superintendent~~ person signing the statement
27 is not responsible for actions of the applicant which pertain
28 to the use of the driver's license.

29 (1) If the applicant attends a public school, the
30 certification shall be made by the school board, superintendent
31 of the applicant's school, or principal, if authorized by the
32 superintendent.

33 (2) If the applicant attends an accredited nonpublic
34 school, the certification shall be made by the authorities in
35 charge of the accredited nonpublic school or a duly authorized

1 representative of the authorities.

2 b. Upon receipt of a statement of necessity, the department
3 shall issue the driver's license provided the applicant is
4 otherwise eligible for issuance of the license. The fact that
5 the applicant resides at a distance less than one mile from the
6 applicant's school of enrollment is prima facie evidence of the
7 nonexistence of necessity for the issuance of a license.

8 c. The school board shall develop and adopt a policy
9 establishing the criteria that the school shall be used
10 ~~by a school district administrator~~ use to approve or deny
11 certification that a need exists for a license. If the school
12 is a public school, the policy shall be developed and adopted
13 by the school board. If the school is an accredited nonpublic
14 school, the policy shall be developed and adopted according
15 to procedures determined by the authorities in charge of the
16 accredited nonpublic school.

17 d. The A student enrolled in a public school may appeal
18 to the school board the decision of a school district
19 administrator to deny certification. A student enrolled in an
20 accredited nonpublic school may appeal the school's decision to
21 deny certification as permitted by the authorities in charge of
22 the accredited nonpublic school. The decision of the school
23 board or authorities in charge of the accredited nonpublic
24 school is final.

25 e. The driver's license shall not be issued for purposes
26 of attending a public school in a school district other than
27 either of the following:

28 a. (1) The district of residence of the parent or guardian
29 of the student.

30 b. (2) A district which is contiguous to the district of
31 residence of the parent or guardian of the student, if the
32 student is enrolled in the public school which is not the
33 school district of residence because of open enrollment under
34 section 282.18 or as a result of an election by the student's
35 district of residence to enter into one or more sharing

1 agreements pursuant to the procedures in [chapter 282](#).

2 f. The driver's license shall not be issued for purposes
3 of attending an accredited nonpublic school if the driving
4 distance between the school and the residence of the parent or
5 guardian of the student is more than twenty-five miles.>

6 2. By renumbering as necessary.

CRAIG JOHNSON